IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 648 OF 2005

Shri Shivaji Baccharam Killedar
and anr. ..Appellants

Vs.

M/s. Arun Auto Spring Manufacturing
Company. ..Respondent

Ms. Sujata Mogre for appellants.

CORAM: B.H. MARLAPALLE, J.

Date : July 07, 2005.

P.C.:

1. Heard the learned counsel for the appellants.

2. It is evident that the Judgment Debtor partnership firm was duly represented through an Advocate before the court below and auction sale was ordered in the presence of the respective parties. The appellants by way of an after thought decided to challenge the auction sale by pointing out fingers against the other parties and took the plea that the property was under valued and sold for a paltry sum of Rs.10,25,000/-. The trial court has noted that the applicant was discharged from the hospital on 7/2/2005

but the application for setting aside the auction sale came to be filed on 4/4/2005 i.e. after about two months and, therefore, the said application was rejected on 4/4/2005. Another application for the same purpose was filed on 7/4/2005 and that was also dismissed on 25/4/2005 by noting that J.D. No.2 was interested in prolonging the matter unnecessarily and to put the purchaser to economic loss. The view taken by the trial court, in the facts and circumstances of this case, cannot be held to be erroneous and, therefore, this appeal is devoid of merits.

3. The appeal is dismissed in limine.

(B.H. Marlapalle,J.)